

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF

MONDAY, APRIL 17, 1989

AT 2:00 P.M.

IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 2:02 p.m.

Deputy Mayor McCarty adjourned the meeting at 5:38 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member McColl-present
- (4) Council Member Pratt-present
- (5) Council Member Struiksma-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour (rb)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member McColl-present
- (4) Council Member Pratt-not present
- (5) Council Member Struiksma-not present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-not present
- (8) Council Member Filner-not present

ITEM-10: INVOCATION

Invocation was given by Dr. Gregory Semerdjian of
Saint John Armenian Church.

FILE LOCATION: MINUTES

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ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member
McColl.

FILE LOCATION: MINUTES

Apr-17-1989

ITEM-30: APPROVED

Approval of Council Minutes for the Meetings of:

3/13/89 Adjourned

3/14/89 Adjourned

3/20/89

3/21/89 Adjourned

3/27/89 Adjourned

3/28/89 Adjourned

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A027-036.)

MOTION BY HENDERSON TO APPROVE. Second by McColl. Passed by
the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea,
Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea,
Filner-not present, Mayor O'Connor-yea.

Apr-17-1989

ITEM-31: WELCOMED

Welcoming a group of approximately 18 students from Sunset
Hills Elementary School accompanied by their teacher, Mrs.
Santibenez. This group will arrive at approximately 2:00
p.m. (Dist. 2)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A040-050.)

* ITEM-50: (O-89-187) ADOPTED AS ORDINANCE O-17277 (New
Series)

Amending Chapter II, Article 2, of the San Diego Municipal
Code by amending Section 22.0102 relating to Publication of
Ordinances or Resolutions, to conform with the provisions
of the City Charter which provide for publication of an
Ordinance or Resolution, of a general nature, within 15
days after final passage.

(Introduced on 4/3/89. Council voted 9-0.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A162-175.)

CONSENT MOTION BY MCCOLL TO DISPENSE WITH THE READING AND ADOPT.
Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,
Struiksmayea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

- * ITEM-51: (O-89-169) ADOPTED AS ORDINANCE O-17278 (New
Series)

Amending Chapter III, Article 5 of the San Diego Municipal
Code by amending, adding or renumbering Sections 35.0101
through 35.0138 relating to the Transient Occupancy Tax, to
strengthen the City's ability to collect Transient
Occupancy Taxes (TOT).

(Introduced on 4/3/89. Council voted 9-0.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A162-175.)

CONSENT MOTION BY MCCOLL TO DISPENSE WITH THE READING AND ADOPT.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,
Struiksmayea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

- * ITEM-52: (O-89-153 Rev.1) ADOPTED AS ORDINANCE O-17279 (New
Series)

Amending Chapter V, Article 5, of the San Diego Municipal
Code, by amending Section 55.02.201, relating to Fire Code
Full Cost Fee Recovery for Inspections and Plan Check
Services, authorizing the Fire Chief to charge a fee for
the required annual high rise inspection and exempting
residential high rise buildings from such fees.

(Introduced on 4/3/89. Council voted 8-1. District 8
voted nay.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A162-175.)

CONSENT MOTION BY MCCOLL TO DISPENSE WITH THE READING AND ADOPT.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,
Struiksmayea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

- * ITEM-53: (O-89-149) ADOPTED AS ORDINANCE O-17280 (New
Series)

Amending Chapter VIII, Article 6, of the San Diego
Municipal Code by amending Sections 86.19, 86.19.1, 86.19.2

and 86.19.3 relating to City Parking Facilities.

(Introduced on 4/3/89. Council voted 9-0.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A162-175.)

CONSENT MOTION BY McCOLL TO DISPENSE WITH THE READING AND ADOPT.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,

Struiksmayea, Henderson-yea, McCarty-yea, Filner-yea, Mayor

O'Connor-yea.

* ITEM-54: (O-89-162) ADOPTED AS ORDINANCE O-17281 (New Series)

Incorporating various properties within the Navajo Community Plan area into the Community Plan Implementation Overlay Zone (CPIOZ), Institutional Overlay Zone (IOZ), Open Space Zones (OS-P and OS-OSP), R1-5000 Zone, and CO Zone, as associated with an amendment to the Community Plan and with Implementation of the adopted Community Plan. (District-7. Introduced on 4/4/89. Council voted 8-0. District 8 not present.)

FILE LOCATION: LAND - NAVAJO COMMUNITY PLAN

COUNCIL ACTION: (Tape location: A162-175.)

CONSENT MOTION BY McCOLL TO DISPENSE WITH THE READING AND ADOPT.

Second by Roberts. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,

Struiksmayea, Henderson-yea, McCarty-yea, Filner-yea, Mayor

O'Connor-yea.

* ITEM-100: (R-89-1826) ADOPTED AS RESOLUTION R-273219

Awarding a contract to Environmental Care, Inc., for furnishing Landscape Maintenance of Eastgate Technology Park Landscape Maintenance District, as may be required for a period of one year beginning July 1, 1989 through June 30, 1990 for an estimated cost of \$71,500, with options to renew the contract for four additional one-year periods, with price escalations not to exceed 12.5 percent for the first option year and 10 percent each for the second, third and fourth option years; authorizing the Purchasing Agent, in the event the contractor fails to perform in accordance with the specifications, to reaward to the next low responsible and responsive bidder and, if necessary, to successive low bidders until a bidder is found who does comply with

the specifications. (BID-0423/89)
(District-1.)

FILE LOCATION: STRT M-191 CONT FY89-1

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-101: (R-89-1824) ADOPTED AS RESOLUTION R-273220

Awarding a contract to Ingersol Rand Equipment Sales, for
the purchase of Item 1 - ten skid-mounted compressors at an
actual cost of \$157,905.25, including tax. (BID-0442/89)
Aud. Cert. 8900846.

FILE LOCATION: MEET CONT FY89-1

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-102: (R-89-1814) ADOPTED AS RESOLUTION R-273221

Awarding a contract to Thermo Jarrell Ash Corporation for
the purchase of one inductively coupled plasma spectrometer
and accessories for a total cost of \$96,199.42, including
tax. (BID-0406/89)
Aud. Cert. 8900827.

FILE LOCATION: MEET CONT FY89-1

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-103: (R-89-1825) ADOPTED AS RESOLUTION R-273222

Awarding a contract to Laidlaw Waste Systems, Inc. for
furnishing the City of San Diego with Drop Box Service at
the Point Loma Wastewater Plant, as may be required for a
period of one year beginning April 1, 1989 through March
31, 1990, for an estimated cost of \$123,000,
with an option to renew the contract for an additional one
year period; option year increases not to exceed 4 percent

of the original contract pricing. (BID-0533/89)
FILE LOCATION: MEET CONT FY89-1
COUNCIL ACTION: (Tape location: A176-206.)
CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-104: (R-89-1823) ADOPTED AS RESOLUTION R-273223

Awarding a contract to American Processing Co., Inc. for collection and removal of wet scum from sedimentation tanks at the Metro Wastewater Treatment Plant (Alt. 1) as may be required for a period of one year beginning May 1, 1989 through April 30, 1990, for a total estimated cost of \$121,000, with options to renew the contract for four additional one year periods, with a price escalation not to exceed 15 percent of prices in effect at the end of each year; and the option to change the pricing structure per Alternate B if the City requires enough hours of service (over 2,920 hours per year) to make Alt. B pricing more cost-effective; declaring that in the event the contractor fails to perform in accordance with specifications, the Purchasing Agent is to terminate the contract and to reaward to the next low responsible and responsive bidder, if necessary, until a bidder is found who does perform to specifications. (BID-0461/89)

FILE LOCATION: MEET CONT FY89-1
COUNCIL ACTION: (Tape location: A176-206.)
CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-105: (R-89-1822) ADOPTED AS RESOLUTION R-273224

Awarding a contract to Hydro-Scape Products, Inc., for the purchase of 7 gasoline engine scooters, 4-wheel (Daihatsu S80LP-TID) for a total cost of \$57,418.34, including tax and terms. (BID-0504/89)
Aud. Cert. 8900847.

FILE LOCATION: MEET CONT FY89-1
COUNCIL ACTION: (Tape location: A176-206.)
CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-106: (R-89-1827) ADOPTED AS RESOLUTION R-273225

Declaring Menzies International to be in default of the contract for providing Guard Service at the Miramar Landfill, as may be required for a period of one year beginning November 1, 1988 through October 31, 1989, which was authorized by Resolution R-272029, adopted on October 10, 1988, and terminating the company's guard service; awarding the balance of the contract to the second low bidder, ADT-Sterling Security Service, at a cost of \$9.75 per worker hour, with options to renew the contract for four additional one-year periods, with price escalations not to exceed 3 percent of prices in effect at the end of each year; authorizing the Purchasing Agent to terminate that contract in the event the new contractor fails to perform in accordance with specifications, and to reaward to the next low responsible and responsive bidder, and to successive low bidders, if necessary, until a bidder is found who does comply with specifications; authorizing the Purchasing Agent to obtain this service on the open market until the contract can be rebid in the event that no bidder who submitted a bid for this contract can comply with the specifications. (BID-0019/89)
(District-5.)

FILE LOCATION: MEET CONT FY89-1

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-107: (R-89-1819) ADOPTED AS RESOLUTION R-273226

19890417

Inviting bids for Newport Avenue Public Improvements on Work Order No. 119183; authorizing the execution of a contract with the lowest responsible bidder; authorizing the Auditor and Comptroller to transfer \$535,000 from Fund 18502 (Program Income) to Fund 18525, Dept. 5883, Org. 8301; authorizing the expenditure of funds not to exceed \$1,124,600 (\$240,000 from Fund 30245, CIP-37-324, Ocean

Beach Street Light Project, \$349,600 from Fund 18524, Dept. 5663, Org. 6313 and \$535,000 from Fund 18525, Dept. 5883, Org. 8301) for said project and related costs; authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-0585/89) (Ocean Beach Community Area. District-2.)

CITY MANAGER SUPPORTING INFORMATION: This project provides for public improvements within the Newport Avenue Commercial District of Ocean Beach, generally that portion of Newport Avenue between Abbott Street and Sunset Cliffs Boulevard. The proposed improvements, including additional street lighting, sidewalk repairs, landscaping and irrigation are part of an overall commercial revitalization program in the area. The revitalization program resulted from community workshops and a related improvement study of the area completed in early 1988. Other revitalization elements now being implemented include marketing, business coordination and store front improvements. The scope and timing of the public improvements are such to compliment the other activities underway.
Aud. Cert. 8900592.

FILE LOCATION: W.O. 119183 CONT - L.R. Hubbard Construction Co. CONT FY89-1

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-108:

Two actions relative to the Construction of Sewer and Water Main Replacement Group 68:
(Rancho Bernardo, Park North-East, and Uptown Community Areas. Districts-1, 3 and 8.)

19890417

Subitem-A: (R-89-1815) ADOPTED AS RESOLUTION R-273227

Inviting bids for the Construction of Sewer and Water Main Replacement Group 68 on Work Order No. 170151/180541; authorizing the execution of a contract with the lowest responsible bidder; authorizing the City Auditor and Comptroller to transfer \$770,932 within the Sewer Revenue Fund 41506 from the Unallocated Reserve 70697 to the

Wastewater Systems Construction Program 70492, CIP-44-001, Annual Allocation - Sewer Main Replacements; authorizing the expenditure of an amount not to exceed \$854,711 (\$808,932 from Sewer Revenue Fund 41506, CIP-44-001, Annual Allocation - Sewer Main Replacements and \$45,779 from Water Revenue Fund 41502, CIP-73-083, Annual Allocation - Water Main Replacements), for providing funds for said project and related costs; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-0580/89)

Subitem-B: (R-89-1816) ADOPTED AS RESOLUTION R-273228

Authorizing the use of City Forces to do all the work to make connections and perform operational checks as required in connection with the Construction of Sewer and Water Main Replacement Group 68; declaring that the cost of said work shall not exceed \$23,570.

CITY MANAGER SUPPORTING INFORMATION: The Hillcrest area of San Diego is planned for extremely high density development. A study concluded that old, below standard concrete sewer mains in the Hillcrest Sewage Basin are unable to serve the projected development. It is recommended that the sewage system be upgraded to allow development according to community plans. Sewer and Water Main Replacement Group 68 is a project of a continuing program to upgrade the sewage system in the Hillcrest area. The 6-inch sewer main in Vista Place, Normal Heights, has been the source of numerous sewage backups. The Risk Management Department has had several claims filed against the City for these backups. The Water Utilities Department studied the problem which has plagued the residents of Vista Place; and determined that the backup problem could be eliminated by replacing the existing sewer mains in Vista Place and in Copley Avenue. The work of replacing the mains for these two streets was added to Sewer Replacement Group 68 to expedite their replacement. An 8-inch sewer main in the Bernardo Trails area will have 271 feet of pipe replaced to relieve a chronic maintenance problem. This project consists of construction of 5,501 feet of 10- and 8-inch sewer mains to replace existing deteriorated and undersized concrete mains and construction of 252 feet of 8-inch water main to replace the existing cast iron main located in Walnut Avenue.

Aud. Cert. 8900586.

WU-P-88-156.

FILE LOCATION: W.O. 170151/180541 CONT - Duarte and Baum Inc.

CONT FY89-1

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,

McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-109:

Two actions relative to the Construction of Pump Station

No. 2 Storage Building and Equipment Shop:

(Pacific Beach Community Area. District-2.)

19890417

Subitem-A: (R-89-1817) ADOPTED AS RESOLUTION R-273229

Inviting bids for the Construction of Pump Station No. 2

Storage and Equipment Building on Work Order No. 170331;

authorizing the execution of a contract with the lowest

responsible bidder; authorizing the City Auditor and

Comptroller to transfer \$115,600 within the Sewer Revenue

Fund 41506 from the Unallocated Reserve 70697 to the

Metropolitan Wastewater Construction Program 70292,

CIP-46-108, Metro Pump Station No. 2 - Storage Building and

Equipment Shop; authorizing the expenditure of an amount

not to exceed \$598,200 from Sewer Revenue Fund 41506,

CIP-46-108, Metro Pump Station No. 2 - Storage Building and

Equipment Shop, for providing funds for said project and

related costs; authorizing the City Auditor and

Comptroller, upon advice from the administering department,

to transfer excess budgeted funds, if any, to the

appropriate reserves. (BID-0581/89)

Subitem-B: (R-89-1818) ADOPTED AS RESOLUTION R-273230

Certifying that the information contained in Environmental

Negative Declaration END-87-0969, dated December 16, 1987,

in connection with the Construction of Pump Station No. 2

Storage and Equipment Building, has been completed in

compliance with the California Environmental Quality Act of

1970, and State guidelines, and that said Declaration has

been reviewed and considered by the Council.

CITY MANAGER SUPPORTING INFORMATION: On December 8, 1986,

Council authorized an agreement with Keniston and Mosher

Partners, Inc. for design services in connection with Metro Pump

Station No. 2 Storage Building and Equipment Shop. Existing

parts storage, equipment repair, locker and employee areas are

being relocated because of installation of additional pumps and pump controls. This project will provide replacement facilities in a new structure adjacent to the existing building.

Aud. Cert. 8900718.

WU-P-89-108.

FILE LOCATION: W.O. 170331 CONT-James Chase & Associates CONT FY89-1

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,

McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-110:

Three actions relative to approving the final subdivision map of Arroyo Ridge, an 11-lot subdivision located northeasterly of El Cajon Boulevard and 54th Street: (State University Community Area. District-7.)

Subitem-A: (R-89-1852) ADOPTED AS RESOLUTION R-273231

Authorizing the execution of a Subdivision Improvement Agreement with Joseph P. Sandy and Terrill A. Stewart for the installation and completion of public improvements.

Subitem-B: (R-89-1851) ADOPTED AS RESOLUTION R-273232

Approving the final map.

Subitem-C: (R-89-1853) ADOPTED AS RESOLUTION R-273233

Vacating the City's interest in an unneeded general utility easement affecting Lot 15 of Collwood Unit No. 1, Map-2401, pursuant to Section 8300 et seq. of the Streets and Highways Code.

FILE LOCATION: SUBITEM A&B: SUBD - ARROYO RIDGE; SUBITEM C: DEED F-4897 CONT FY89-1; DEED FY89-1

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,

McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-111: (R-89-1901) ADOPTED AS RESOLUTION R-273234

Authorizing the City Manager to release a portion of the surety issued by the American Insurance Company, in connection with the Subdivision Improvement Agreement for

Black Mountain Vistas North Unit No. 1, in the form of Performance Bond No. 709 8170, so that the same is reduced as follows:

1. For faithful performance, to the sum of \$1,029,968.
2. For the benefit of the contractor, subcontractor and to persons renting equipment or furnishing labor or materials, to the sum of \$514,984.

(Penasquitos East Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On May 18, 1987, the City entered into an agreement with Donald L. Bren Co. for the construction of public improvements for Black Mountain Vistas North Unit No. 1. Performance Bond No. 709 8170, issued by American Insurance Company in the amount of \$3,961,935, was provided by the subdivider. The agreement expires May 18, 1989. 98.7 percent of the work has been completed to the satisfaction of the City Engineer, and the subdivider has requested a partial release of surety. The job order account has sufficient funds to cover anticipated future costs to the City. There are no mechanic's liens filed against the surety and there has not been a previous partial release.

In accordance with Council Policy 800-11, it is recommended that the surety be reduced by an amount which is 75 percent of the value of the work completed. Therefore, 74 percent of the original surety will be released which will reduce the surety to \$1,029,968.

FILE LOCATION: SUBD - BLACK MOUNTAIN VISTAS NORTH UNIT
NO. 1

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-112: (R-89-1898) ADOPTED AS RESOLUTION R-273235

Authorizing the City Manager to release portions of the sureties issued by Developers Insurance Company, in connection with the Subdivision Improvement Agreement for Black Mountain Vistas North Unit No. 2, in the form of Performance Bond Nos. 942128S, 942129S, 942130S, 942131S, 942132S, 942133S, 942134S and 942135S, so that the same is reduced as follows:

1. For faithful performance, to the sums of \$60,902, \$175,746.50, \$611, \$94,277, \$74,737, \$95,749.50, \$21,164.50, and \$41,917, respectively.

2. For the benefit of the contractor, subcontractor and to persons renting equipment or furnishing labor or materials, to the sums of \$30,451, \$87,873.25, \$305.50, \$47,138.50, \$37,368.50, \$47,874.25, \$10,582.25, and \$20,958.50, respectively.

(Penasquitos East Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On May 18, 1987, the City entered into an agreement with J.M. Peters Company, Inc., for the construction of public improvements for Black Mountain Vistas North Unit No. 2. Performance Bond Nos. 942128S, 942129S, 942130S, 942131S, 942132S, 942133S, 942134S and 942135S issued by Developers Insurance Company in the amounts of \$241,764, \$697,668, \$2,426, \$374,255, \$296,687, \$380,100, \$84,018 and \$166,400, respectively, were provided by the subdivider. The agreement expires May 18, 1989. 99.7 percent of the work has been completed to the satisfaction of the City Engineer, and the subdivider has requested a partial release of surety. The job order account has sufficient funds to cover anticipated future costs to the City. There are no mechanic's liens filed against the surety and there has not been a previous partial release. In accordance with Council Policy 800-11, it is recommended that the surety be reduced by an amount which is 75 percent of the value of the work completed. Therefore, 74.8 percent of the original surety will be released which will reduce the surety to \$565,104.

FILE LOCATION: SUBD - BLACK MOUNTAIN VISTAS NORTH UNIT
No. 2

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-113: (R-89-1899) ADOPTED AS RESOLUTION R-273236

Authorizing the City Manager to release a portion of the surety issued by American Insurance Company, in connection with the Subdivision Improvement Agreement for Black Mountain Vistas North Unit No. 3, in the form of Performance Bond No. 713-1403, so that the same is reduced as follows:

1. For faithful performance, to the sum of \$974,947.
2. For the benefit of the contractor, subcontractor and to persons renting equipment or furnishing labor or materials, to the sum of \$487,473.50.

(Penasquitos East Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: On May 18, 1987, the City entered into an agreement with The Lyon Christopher Associates for the construction of public improvements for Black Mountain Vistas North Unit No. 3. Performance Bond No. 713-1403 issued by American Insurance Company in the amount of \$3,909,574 was provided by the subdivider. The agreement expires May 18, 1989. 99.7 percent of the work has been completed to the satisfaction of the City Engineer, and the subdivider has requested a partial release of surety. The job order account has sufficient funds to cover anticipated future costs to the City. There are no mechanic's liens filed against the surety and there has not been a previous partial release. In accordance with Council Policy 800-11, it is recommended that the surety be reduced by an amount which is 75 percent of the value of the work completed. Therefore, 74.78 percent of the original surety will be released which will reduce the surety to \$974,947, an amount the Engineering Field Division has determined will be sufficient to guarantee completion of the unfinished work.

FILE LOCATION: SUBD - BLACK MOUNTAIN VISTAS NORTH UNIT
No. 3

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-114:

Two actions relative to the Project First Class Alley and
Sewer Replacement - Contract No. 5:
(Southeast San Diego Community Area. District-4.)

Subitem-A: (R-89-1869) ADOPTED AS RESOLUTION R-273237

Authorizing the City Manager to prepare for the issuance of
a Resolution of Intention for the improvement of Project
First Class Alley Improvement and Sewer Replacement,
Contract No. 5, under the provisions of the Housing and
Urban Development Block Grant Program B-85-MC-06-0542, the
San Diego Municipal Code, and the Improvement Act of 1911;
directing the City Manager to prepare plans, drawings,
typical cross-sections, profiles and specifications for the
improvement of Project First Class Alley Improvement and
Sewer Replacement, Contract No. 5, together with estimates

of the costs and expenses of such work and to furnish Council with a description of the district to be included in the assessment for the improvements.

Subitem-B: (R-89-1870) ADOPTED AS RESOLUTION R-273238

Resolution of Intention for the Project First Class Alley Improvement and Sewer Replacement, Contract No. 5, under the provisions of the San Diego Municipal Code and the Improvement Act of 1911.

CITY MANAGER SUPPORTING INFORMATION: The Project First Class Alley and Sewer Replacement - Contract No. 5 is the fifth project in the Project First Class area to be considered by the Council under the CDBG - Assessment District cost sharing concept. The cost sharing concept is based on CDBG funds being used to finance 50 percent of the alley improvements regardless of the income or residency status of the benefitting property owners. The remaining 50 percent of the alley improvements cost will be assessed to the benefitting parcels with CDBG funds being utilized to pay the assessments for owner-occupants who meet HUD income guidelines. Property owners who do not qualify may pay the remaining 50 percent over a period of 10 years. The proposed improvements to the eight alleys included in this contract consist of clearing, grubbing, grading, paving, curb, retaining wall, storm drain and sewer main replacement improvements. There are 159 parcels involved and 83 of them are owner-occupied. All property owners have been notified of the proposed improvements and given information regarding the assessment payment program. The cost of the sewer main replacements will be paid from Water Utility Department Sewer Annual Allocation Funds. The cost of the street paving will be paid for with CDBG funds.

FILE LOCATION: STRT D-2281

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-115: (R-89-1885) ADOPTED AS RESOLUTION R-273239

Authorizing the execution of a Grant of Easement deed, conveying to Lakeside Sanitation District an easement for right-of-way for ingress and egress accommodating Lakeside Flow Equalization Access - Access Easement, Lakeside W.P.C.F. Drawing 81-0249A, located at the west and north

property lines of City Water Utilities land known as the Upper San Diego River Project (USD RIP) lying westerly of Riverford Road and adjacent to the Santee city limits eastern line.

(Lakeside Community Area.)

CITY MANAGER SUPPORTING INFORMATION: As part of the interim measures to allow continued growth among the East County sewer agencies while avoiding sewer spills, the County Sanitation Districts are proposing to construct equalization facilities at their former treatment plant site. These facilities will enable the Districts to hold back portions of the peak flows and release them during low flow periods. The facilities are to be located at the old Lakeside Sanitation District's sewer plant which was landlocked in the 1978 flooding of the San Diego River. This action is to provide them with an easement to their property. Construction is scheduled to begin this summer with no cost to the City of San Diego.

WU-PR-89-122.

FILE LOCATION: DEED F-4898 DEED FY89-1

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-116: (R-89-1845) ADOPTED AS RESOLUTION R-273240

Authorizing the City Manager to accept a grant deed of The Sunland Housing Group, Inc., granting to the City all of Lot 31 of Black Mountain North Unit No. 1, Map-11608.

(Penasquitos East Community Area. District-1.)

FILE LOCATION: DEED F-4899 DEED FY89-1

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-117: (R-89-1886) ADOPTED AS RESOLUTION R-273241

Authorizing the acceptance by the City Manager of a street easement deed of Peninsula Bank of San Diego, granting to the City an easement for public street purposes in a portion of Parcel 1 of Parcel Map PM-1459; dedicating said land as and for a public street and naming the same Scott

Street.

(Pacific Highway Community Area. District-2.)

FILE LOCATION: DEED F-4900 DEED FY89-1

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-118: (R-89-1858) ADOPTED AS RESOLUTION R-273242

Authorizing the acceptance by the City Manager of a street
easement deed of Faith Chapel Church of God in Christ,
granting to the City an easement for public street purposes
in a portion of the northeast quarter of Lot 53 of Horton's
Purchase, Map-283; dedicating said land as and for a public
street and naming the same Holly Street.

(Southeast San Diego Community Area. District-4.)

FILE LOCATION: DEED F-4901 DEED FY89-1

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-119: (R-89-1887) ADOPTED AS RESOLUTION R-273243

Approving the acceptance by the City Manager of that deed
of Conrad Prebys, conveying to the City a water easement in
a portion of Parcel 2 of Parcel Map PM-15514; authorizing
the execution of a quitclaim deed, quitclaiming to Conrad
Prebys, all of the City's right, title and interest in the
water easement in a portion of Parcel 2 of Parcel Map
PM-15514.

(Midway Community Area. District-2.)

FILE LOCATION: DEED F-4902 DEED FY89-1

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-120: (R-89-1909) ADOPTED AS RESOLUTION R-273244

Proclaiming May 19, 1989 to be "Jess Jessop Day" in San

Diego; encouraging all San Diegans to join in recognizing
Jess Jessop's myriad and splendid contributions to society.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-121: (R-89-1910) ADOPTED AS RESOLUTION R-273245

Proclaiming April 21, 1989 to be Retired Senior Volunteer
Day in the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-122: (R-89-1895) ADOPTED AS RESOLUTION R-273246

Excusing Council Member Gloria McColl from attending the
Council meeting of April 10, 1989, to meet with Governor
Deukmejian in Sacramento, California, to discuss the
Olympic Training Center in San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-123: (R-89-1908) ADOPTED AS RESOLUTION R-273247

Excusing Council Member Ron Roberts from attending all
regularly scheduled meetings of the City Council on April
10 and 11, 1989, and the Transportation and Land Use
Committee meeting of April 10, 1989, to attend to
legislative business in Washington, D.C.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,

McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-124: (R-89-1804) ADOPTED AS RESOLUTION R-273248

Pledging adherence to the standards of selection and training of Public Safety Dispatchers adapted by the Peace Officers Standards and Training (POST) Commission.

CITY MANAGER SUPPORTING INFORMATION: Penal Code Section 13510 was amended on January 1, 1989 requiring the Commission on Peace Officers Standards and Training (POST) to establish minimum selection and training standards for public safety dispatchers. The Police Department is eligible to participate in the Public Safety Dispatcher Program. All participating agencies are eligible to receive reimbursement for certain dispatcher training costs. Minimum standards for public safety dispatchers include:

1. A thorough background investigation.
2. Medical examination.
3. Evaluation of oral communications skills.
4. Satisfactory completion of 80 hour Basic Complaint/Dispatcher course within 12 months of hire.
5. 12 months probationary period.

The Police Department is currently adhering to these standards. To participate in the Public Safety Dispatcher Program, a city must submit a letter to the Commission requesting participation. The letter must be accompanied by a copy of an ordinance or resolution pledging adherence to the standards adopted by the Commission.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-125: (R-89-1861) ADOPTED AS RESOLUTION R-273249

Designating and empowering the City Manager to act as the authorized representative of the City in all actions required by the City to apply for and receive loans under the California Clean Water Bond Law of 1984.

CITY MANAGER SUPPORTING INFORMATION: The State of California's Clean Water Bond Law of 1984 provides that municipalities receiving federal grant assistance under Title II of the Federal Clean Water Act are entitled to a matching state

loan if the federal grant is less than 75 percent of the eligible project costs. The low interest loans are for up to 12.5 percent of the federally eligible project costs. The State of California's Administrative Manual requires the designation of an authorizing representative to apply for and receive loans under this program. Therefore, it is requested that the City Manager be designated as the City's authorized representative for this purpose.

WU-U-89-147.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-126: (R-89-1797) ADOPTED AS RESOLUTION R-273250

Authorizing the City Manager to submit Hazard Elimination for Safety (HES) claims to CalTrans for the modification of existing traffic signals as follows:

1. 43rd Street and University Avenue
2. Fairmount Avenue and University Avenue
3. Fifth Avenue and A Street
4. Fifth Avenue and B Street
5. India Street and Washington Street

Authorizing the City Treasurer to accept funds for a total of \$225,900 in HES funds for traffic signal modifications.

(Uptown, Mid-City and Centre City Community Areas.

Districts-2, 3 and 8.)

CITY MANAGER SUPPORTING INFORMATION: This Resolution authorizes the City Manager to submit claims and accept federal aid Hazard Elimination for Safety (HES) funds, administered by CalTrans, for the following projects modifying existing traffic signal installations:

- left-turn phasing on University Avenue at 43rd Street and at Fairmount Avenue
- mastarm signal indications on 5th Avenue at A Street at B Street
- median-modification, left-turn phasing, and new mastarm indications at India Street and Washington Street.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

McColl-yea, Pratt-yea, Struiksmayea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-127: (R-89-1800) ADOPTED AS RESOLUTION R-273251

Authorizing the City Manager to submit Hazard Elimination for Safety (HES) claims to CalTrans for construction of a concrete median barrier on College Avenue between Rock Street and Streamview Drive; authorizing the City Treasurer to accept funds for a total of \$180,000 in HES funds for construction of a concrete median.

(Mid-City Community Area. District-3.)

CITY MANAGER SUPPORTING INFORMATION: This resolution authorizes the City Manager to submit a claim and accept federal aid Hazard Elimination for Safety (HES) funds, administered by CalTrans, for the construction of a concrete median barrier on College Avenue between Rock Street and Streamview Drive. The project will also include drainage improvements and the reconstruction of existing guardrail along the westerly side of College Avenue.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.
Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksmayea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-128: (R-89-1662) ADOPTED AS RESOLUTION R-273252

Establishing a parking time limit of two hours between the hours of 8:00 a.m. and 6:00 p.m., Sundays and certain holidays excepted, on the west side of Newton Avenue between 16th Street and Sigsbee Street; authorizing the installation of the necessary signs and markings; declaring that the hereinabove imposed regulations shall become effective upon the installation of such signs.

(Centre City Community Area. District-8.)

CITY MANAGER SUPPORTING INFORMATION: Recent parking studies determined the average parking occupancy to be over 100 percent and the average parking duration to be 4.2 hours. This location is adjacent to other two-hour time limit parking zones that receive a high level of enforcement. Approval of the proposed parking zone was obtained from 75 percent of the abutting property owners. This meets the requirements of Council Policy

200-4. Therefore, this parking restriction is recommended for implementation.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-129: (R-89-1897) CONTINUED TO MAY 15, 1989

Authorizing the execution of an agreement with Ferver Engineering Company for services in connection with the design of the Bayview Reservoir expansion; authorizing the expenditure of an amount not to exceed \$490,255 from the Water Revenue Fund (No. 41502), Expansion of Bayview Reservoir (CIP-73-236.0) for the purpose of providing funds for the above project.

(Pacific Beach Community Area. District-6.)

CITY MANAGER SUPPORTING INFORMATION: Bayview Reservoir is a 10-million-gallon concrete reservoir located at 1975 Parkview Terrace in the Pacific Beach Community area. Recent studies have indicated that additional storage is needed to meet the future demands of the Pacific Beach and La Jolla areas. In order to meet the projected future demands, this project will provide the demolition of the existing 10-million-gallon reservoir and the design and construction of a new 20-million gallon reservoir at the same site. Expansion of the reservoir is the least expensive alternative to provide additional storage in the area. This project was advertised in the San Diego Daily Transcript on May 20, 1988. The City's Consultant Nominating Committee reviewed sixteen letters of interest from qualified consultants and nominated four of them for final interviews. On July 25, 1988, the four finalists were interviewed, in conformance with Council Policy 300-7, by the Water Utilities Department. The Ferver Engineering Company was selected as the best qualified to provide the consultant services. The consultant will provide detailed plans, specifications and cost estimates for the reservoir expansion. Technical services during construction and a full-time inspector are also included in this contract. The subconsultants for this project are John Powell and Associates, 22.4 percent, Kemp and Associates (WBE) 5.6 percent, Don Greek and Associates, 1.3 percent and Testing Services and Inspection, Inc. (MBE), 7.1 percent.

Aud. Cert. 8900831.

WU-U-89-119.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A127-134.)

MOTION BY HENDERSON TO CONTINUE TO MAY 15, 1989, TO DISCUSS THE MATTER WITH THE PARTIES CONCERNED. Second by Struiksma. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-130: (R-89-1840) ADOPTED AS RESOLUTION R-273253

Authorizing the execution of a flat rate lease agreement with Gibbs Flying Service, Inc., for a term commencing on the first day of the month following the execution of this lease agreement by the City Manager and continuing until May 31, 1990, with an option to extend for three additional five-year periods, for the use of a 1.25-acre site immediately north of its existing lease area on Montgomery Field for commercial aviation purposes, at an initial minimum monthly rent of \$216.

(Kearny Mesa Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: Gibbs Flying Service has leased Lots 1 and 2 at Montgomery Field since the City acquired the airport from Mr. William Gibbs in 1948. The northerly edge of Gibbs' lease was formerly the Building Restriction Line (BRL). When the Airport Master Plan was approved, the BRL was moved 50 feet northerly creating hiatus between the new BRL and Gibbs' existing lease line. A permit to use this 50-foot (43,800 square foot) wide area was issued to Gibbs Flying Service in 1982. This proposed lease will replace the existing permit and includes a new 11,700 square foot tie-down area (54,450 square foot total). The San Diego Police Department wishes to lease a hangar on Gibbs master lease area and the proposed aircraft parking apron created by this lease for its Air Surveillance Unit. The term of this proposed lease will coincide with the existing term and the three five-year option periods contained in Gibbs Master Lease. The proposed rent is \$216 per month (\$2,592 annually) with CIP adjustments at the beginning of each five year option period, plus percentage rents as contained in the master lease. Gibbs Flying Service has paid the City an average of \$125,107 per year over the last four years for its four leases.

FILE LOCATION: LEAS - GIBBS FLYING SERVICE, INC.
LEAS FY89-1

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,

McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-131: (R-89-1888) ADOPTED AS RESOLUTION R-273254

Authorizing the execution of a one-year lease agreement (with two options to extend for two years each, and three options to extend for one year each) with Gibbs Flying Service, Inc. for use by the Police Department's Air Support Unit of an aircraft hangar at Montgomery Field, at a rent of \$2,894 per month; authorizing the expenditure of an amount not to exceed \$14,470 from Fund 10132, Seized and Forfeited Assets, for FY 1989.

(Montgomery Field Community Area. District-5.)

CITY MANAGER SUPPORTING INFORMATION: Gibbs Flying Service has offered to construct a hangar at Montgomery Field (Council District 5) that would house the Police Department's Air Support Unit which consists of two helicopters and two fixed-wing aircrafts. From this location, the helicopters can operate with little or no impact on the noise levels of the neighboring community. The airplanes can deploy rapidly for surveillances because of the immediate access to a taxiway. The hangar consists of approximately 4,900 square feet including 600 square feet of office space. The proposed rent is \$2,894 per month (59 cents per square foot) and the lease term is for one year with options for a total of seven additional years.

Aud. Cert. 8900822.

FILE LOCATION: LEAS - GIBBS FLYING SERVICE, INC.; POLICE DEPARTMENT'S AIR SUPPORT UNIT LEAS
FY89-1

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,

McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,

McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-132: (R-89-1912) ADOPTED AS RESOLUTION R-273255

Authorizing the execution of a cooperation agreement with the Housing Authority with regard to the construction and/or acquisition of a maximum of 200 units of publicly-owned, low-rent housing.

(See Housing Commission Report HCR-89-002CC.)

FILE LOCATION: MEET CONT FY89-1

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-133: (R-89-1399 Rev.1) ADOPTED AS RESOLUTION R-273256

A Resolution approved by the City Council in Closed Session
on Tuesday, January 10, 1989 by the following vote:

Wolfsheimer-yea; Roberts-yea; McColl-yea; Pratt-yea;
Struiksma-yea; Henderson-yea; McCarty-yea; Filner-yea;
Mayor-yea; authorizing the execution of an amendment to the
agreement with P and G Company, Terral Investment Company
and Investors Leasing Corporation (collectively called
"Flower Hill") to extend the time of performance under an
agreement previously entered into and to continue the terms
of such agreement in full force and effect.

(See City Manager Report CMR-83-499. San Dieguito River
Basin Community Area. District-1.)

CITY MANAGER SUPPORTING INFORMATION: The November 16, 1983
agreement (RR-259825) between the City of San Diego and the
collective entities designated as "Flower Hill" envisioned the
completion of the sewer system to serve the Via de la Valle area
by December 31, 1985. The Via de la Valle Assessment District
sewer main was delayed and actually completed as of September,
1987. This amendment will extend the time of completion of the
sewer system to December 31, 1988, so that the terms and
conditions of the original agreement are still enforceable and
binding on the parties. The City Council considered this issue
in a Closed Session on January 10, 1989, and directed the staff
to proceed with the amendment.

WU-U-89-130.

FILE LOCATION: MEET CONT FY89-1

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea,
McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea,
McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-134: (R-89-1836) ADOPTED AS RESOLUTION R-273257

Authorizing the execution of an agreement with the San

Diego Regional Employment and Training Consortium (RETC) to accept \$101,157 to permit the City's Regional Youth Employment Program (REGY) to carry out required pre-operational activities during the period of March 13, 1989 through June 30, 1989 to prepare for the 1989 Summer Hire-A-Youth Program; authorizing the execution of additional agreements with RETC, as necessary, to accept additional funds from RETC to permit REGY to conduct the operational phase of the 1989 Summer Hire-A-Youth Program in the San Diego metropolitan area through September 30, 1989.

CITY MANAGER SUPPORTING INFORMATION: On March 6, 1989 the Policy Board of the Regional Employment and Training Consortium (RETC) approved a contract with the City to provide \$101,157 for the City's Regional Youth Employment Program (REGY) to conduct pre-operational start-up activities for the 1989 Summer Hire-A-Youth Program. This will be REGY's 17th year of operating the Summer Program, which provides summer jobs for eligible low-income youths in San Diego with Federal funds from the Job Training Partnership Act (JTPA). During the pre-operational phase (3/13/89 - 6/30/89), REGY will distribute over 10,000 applications City-wide, screen all applications received for JTPA eligibility, conduct labor market orientations for eligible youths, contact over 200 public and community agencies to develop a wide variety of summer jobs, and match eligible youths with those jobs. This year's funding for the Summer Program will come through two contracts; the pre-operational contract before Council today and the primary operational contract which will be issued in early May and will run through September 30, 1989. Although the final funding level has not yet been set, the estimate of operational funds at this time is \$910,413. This will enable approximately 1,000 youths to be placed in subsidized public sector jobs, working at minimum wage for approximately six weeks. Total funds available for the 1989 Summer Program are estimated at \$1,101,570, a 17 percent reduction from the 1988 funding level of \$1.2 million, and a 33 percent reduction from 1987's \$1.5 million level.

FILE LOCATION: MEET CONT FY89-1

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-150: (R-89-1706) CONTINUED TO MAY 1, 1989

Authorizing the City Manager to budget the sum of \$50,000 in Fiscal Year 1990 for the purpose of supporting the Second Harbor Entrance Project, Inc. program of feasibility studies on the condition that SHEP secures funds from participating South Bay Cities, the County of San Diego and the San Diego Unified Port District.

(See City Manager Report CMR-89-114.)

COMMITTEE ACTION: Reviewed by RULES on 3/15/89. Recommendation to adopt the City Manager's recommendations with the amendment that the City's contribution be conditioned to the SHEP securing funds from participating South Bay Cities, the County and the Unified Port District. Districts 2, 3, 6 and Mayor voted yea. District 7 voted nay. District 4 not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A104-126.)

MOTION BY STRUIKSMA TO CONTINUE TO MAY 1, 1989, AS REQUESTED BY JACK DIAMOND REPRESENTING THE SECOND HARBOR ENTRANCE PROJECT, INC. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-200:

Alternate actions regarding the Save Miramar Lake

Referendary Petition:

(See City Clerk Report CC-89-07.)

Subitem-A: (R-89-1096A) ADOPTED AS RESOLUTION R-273258

Granting the Referendary Petition and directing the City Attorney to prepare and docket an Ordinance repealing Ordinance O-17201 (New Series) relating to a Development Agreement between the City of San Diego and BCE Development.

Subitem-B: (R-89-1906B) FILED

Adoption of a Resolution of intention to submit the matter of repealing Ordinance O-17201, relating to a Development Agreement between the City of San Diego and BCE Development, to the people at a special election or any other election to be held within 11 months; directing the City Clerk to begin implementing this intention by docketing a resolution listing alternative dates for a

special election. In no event shall these dates be later than 11 months from April 17, 1989, in accordance with San Diego Municipal Code Section 27.2616.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A254-C590.)

Mayor O'Connor closed the hearing.

Motion by Struiksma to direct the City Attorney to bring back a proper ordinance that would require Council approval for any future development on Parcels 2 and 3 with the exception of the Industrial and the Curry parcels. Second by Roberts. Passed.

Yeas: 1,2,3,4,5,6,7,8,M.

MOTION BY STRUIKSMA TO ADOPT SUBITEM-A AND TO DIRECT THE CITY ATTORNEY TO PREPARE THE NECESSARY ORDINANCE RESCINDING THE PREVIOUS ACTION OF JANUARY 9, 1989, RELATIVE TO A DEVELOPMENT AGREEMENT COVERING THAT PROPERTY KNOWN AS THE BCE DEVELOPMENT PROPERTY. Second by Henderson. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-nay, Mayor O'Connor-yea.

ITEM-201: (R-89-1595 Rev.1) ADOPTED AS AMENDED AS RESOLUTION
R-273259

19890417

(Continued from the meetings of February 28, 1989, Item 334 and March 20, 1989, Item 202; last continued at the City Manager's request on behalf of the Stone Development Company.)

Rescinding Resolution R-272196 adopted on October 25, 1988, relating to the confirmation of costs against Tax Assessors Parcel Numbers 577-280-01 and 577-321-01 in the amount of \$4,469, for weed abatement; confirming the cost of weed abatement against Tax Assessors Parcel Numbers 577-280-01 and 577-321-01 in the total amount of \$4,469 to be apportioned against each parcel at the sum of \$2,234.50 per parcel, pursuant to the provisions of Sections 54.0201 through 54.0206 of the San Diego Municipal Code, and after a public hearing held this date, the property owners having been duly noticed; authorizing the City Manager to waive the City's administrative fee of \$1,809.95; authorizing the Fire Chief to bill the property owner for the costs of weed

abatement hereby confirmed.
(See City Manager Report CMR-89-73.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D070-118.)
MOTION BY McCOLL TO ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-202: (R-89-1848) CONTINUED TO APRIL 24, 1989

Rejecting the bids for the City-wide Alleys and Sewer Replacement Contract No. 1 (BID-9764) and Point Loma Wastewater Treatment Plant - Chemical Feed System Upgrade (BID-0208/89).
(See City Manager Report CMR-89-158.)

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A051-095.)
MOTION BY HENDERSON TO CONTINUE TO APRIL 24, 1989, FOR FURTHER REVIEW, AS REQUESTED BY THE CITY MANAGER ON BEHALF OF PARTIES CONCERNED. Second by McColl. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S400: (R-89-1947) ADOPTED AS RESOLUTION R-273260

Opposing the U.S. Department of Interior's draft rules governing emission of air pollutants for offshore oil drilling on behalf of the people of San Diego and Southern California.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A176-206.)
CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S401: (R-89-2016) ADOPTED AS RESOLUTION R-273261

Authorizing the Waste Management Department to submit a proposal for funding under the California Beverage Container Recycling and Litter Reduction Act.

CITY MANAGER SUPPORTING INFORMATION: The Department of Conservation (DOC), Division of Recycling has made \$650,000 available for Litter Abatement and Recycling Activities in the current funding cycle. Proposals must be submitted to the DOC by April 24, 1989. Projects will be funded by July 1, 1989. The Waste Management Department requests approval to submit a proposal for five projects for possible funding under these guidelines. Proposed projects support the City's Recycling Plan and would contribute to reducing the volume of material disposed of in the landfill.

1. Multi-Unit Recycling Pilot Project: Develop a program for condominiums, apartments, and retirement communities to recycle newspapers, aluminum, and glass. Funds requested for equipment, education, and promotion. Amount requested \$37,000.
2. Park and Recreational Facility Recycling: Develops multi-material drop off program at over 50 park and recreation centers. Revenues will be donated to the recreation facilities for the purchase of equipment. Amount requested \$92,000.
3. Outdoor Concert Recycling: Provides recycling education for 14-24 age group including collection of recyclables. DOC funding would provide a promotional vehicle and supporting publicity. Amount requested \$30,000.
4. Community Cleanup and Recycling: Expands community cleanups and special events to include recycling. DOC funding would provide collection igloos, large bins, and a boom truck. Funding is also requested for promotion and publicity. Amount requested \$72,200.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

* ITEM-S402: (R-89-1930) ADOPTED AS RESOLUTION R-273262

Authorizing the execution of an agreement with Regional Environmental Consultants (RECON) for the purpose of providing mapping of sensitive prehistoric sites as part of a sensitive lands pilot mapping study; authorizing the

expenditure of an amount not to exceed \$4,967 from Fund 10001, Dept. 901, Account 4222, Job Order 886015, for the purpose of providing funds for the above project.

CITY MANAGER SUPPORTING INFORMATION: On January 31, 1989 the City Council directed the Planning Department to map sensitive lands in a two-phase pilot study for an 18.6-square mile area (Resolution R-272796). The Council approved transferring \$15,000 from the RUIZ Program to the Planning Department to pay for biological and archaeological consultants to assist in the mapping (Resolution R-272798). RFP's were distributed to three consulting firms and two proposals were submitted. Separate consultants for archaeological and biological mapping were selected. The requested action involves approval of the attached contract for archaeological services in the amount of \$4,967. This agreement must be approved by the City Council due to Administrative Regulation 25.60 which requires Council authorization of contracts awarded to a consultant which exceed \$100,000 within a fiscal year. Aud. Cert. 8900854.

FILE LOCATION: MEET CCONT FY89-1

COUNCIL ACTION: (Tape location: A176-206.)

CONSENT MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S403: (R-89-315) ADOPTED AS AMENDED AS RESOLUTION R-273263

(Continued from the meeting of April 10, 1989, Item S402, at Mayor O'Connor's request, due to lack of time.)

Approving Council Policy 700-11, as amended, regarding Political Activities on Certain Properties Leased to Noncommercial, Nonprofit Organizations.

(See City Manager Report CMR-88-574.)

COMMITTEE ACTION: Reviewed by PFR on 3/8/89. Recommendation to approve the City Manager's recommendation to further define and restrict political activity relating to the leasing of City-owned facilities leased at less than fair market rent. Council Member Wolfsheimer's recommendations will be addressed by the City Attorney. Districts 1, 5, 6 and 7 voted yea. District 8 voted nay.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D119-342.)

MOTION BY HENDERSON TO ADOPT STAFF RECOMMENDATIONS AND TO

ACCEPT

COUNCIL MEMBER WOLFSHEIMER'S AMENDMENTS TO INCORPORATE
WORDING

FROM THE REVISED PAGE OF "ATTACHMENT 2" OF COUNCIL POLICY

700-11. Second by Pratt. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,
Struiksma-yea, Henderson-yea, McCarty-nay, Filner-nay, Mayor
O'Connor-yea.

ITEM-S404: CONTINUED TO MAY 15, 1989

(Continued from the meeting of April 10, 1989, Item 109, at
Council Member McColl's request, to allow her to be present
for the discussion.)

Two actions relative to amended agreements and time
extension for Euclid Oaks:

(Located northeasterly of Euclid Avenue and Quince Street.
Mid-City Community Area. District-3.)

Subitem-A: (R-89-1850)

Authorizing an amendment to the Subdivision Improvement
Agreement for Euclid Oaks, Document No. RR-257218, to
provide for the substitution of Avanti Development, Inc.,
for Allen Hall Development Corporation, as subdivider;
declaring that the public improvements to be constructed
pursuant to the subdivision agreement shall be completed by
September 30, 1990.

Subitem-B: (R-89-1849)

Authorizing the execution of an amendment to the
Subdivision Improvement Agreement for Euclid Oaks, Document
No. RR-257090, to provide for the substitution of Avanti
Development, Inc., for Allen Hall Development Corporation,
as subdivider; declaring that the public improvements to be
constructed pursuant to the subdivision agreement shall be
completed by September 30, 1990; accepting Bond No.
113-21-01, issued by Explorer Insurance Company in the
amount of \$128,000, as the surety for the required
improvements in the subdivision; releasing Bond No.
2SM-563-692, issued by American Motorists Insurance
Company, in the amount of \$100,143.

CITY MANAGER SUPPORTING INFORMATION: On September 13, 1982 and
September 27, 1982, the City entered into agreements with Allen
Hall Development Corporation for the construction of public
improvements for Euclid Oaks subdivision (Document No.

RR-257090) and the construction of and reimbursement for a 60-inch barrel culvert (Document No. RR-257218-1). The agreements expired on September 13, 1984 and September 27, 1984 respectively. On January 7, 1985 an extension of time was granted to September 13, 1985 by Resolution R-262257 within which to complete the improvements required by the Subdivision Improvement Agreement. The property is now owned by Avanti Development, Inc. The new owner has signed two amended agreements to assume all of the obligations of the original subdivider and complete the required work, as well as receive the reimbursement for the construction of the culvert as specified in the agreement approved by City Council Resolution R-257218. The amended agreements also provide for extensions of time to complete the work to September 30, 1990. The new subdivider has provided a performance bond in the amount of \$128,000 to assure the improvements required of the subdivision. The amended agreement and time extension are in accordance with Council Policy 600-21. It is recommended that the time extension be granted since the improvements to be delayed are not necessary to serve adjacent developments or the general public.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: D057-066.)

MOTION BY McCOLL TO CONTINUE TO MAY 15, 1989, AS REQUESTED BY THE CITY MANAGER TO RESOLVE QUESTIONS THAT HAVE BEEN RAISED REGARDING THE MATTER. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S405: (R-86-1631) ADOPTED AS RESOLUTION R-273264

(Continued from the meetings of March 20, 1989, Item S404, and April 10, 1989, Item 201; last continued at Council Member Roberts' request, to allow him to be present for the discussion.)

Vacating Evergreen Street between Poe Street and Quimby Street, under the procedure for the summary vacation of streets where for a period of five consecutive years the street to be vacated has been impassable for vehicular travel and during such period no public money has been expended for maintenance; reserving and excepting from the foregoing vacation the right, easement and privilege of placing, constructing, repairing, replacing, maintaining, using and operating public utilities of any kind or nature;

declaring that the City reserves and excepts from vacation and abandonment, easements, and rights of any public utility pursuant to any existing franchise or renewal thereof; declaring that the easements reserved herein are in, under, over, upon, along and across that portion of Evergreen Street.

(See City Manager Report CMR-89-112. Peninsula Community Area. District-2.)

FILE LOCATION: STRT J-2716; DEED F-4865 DEED FY89-1

COUNCIL ACTION: (Tape location: D351-403.)

MOTION BY ROBERTS TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S406: (R-89-1730 Rev.) ADOPTED AS AMENDED AS RESOLUTION
R-273265

19890417

(Continued from the meeting of April 10, 1989, Item 114, at Council Member Henderson's request, so that Council Member McColl can be present for the discussion.)

Authorizing the City Auditor and Comptroller to transfer within the General Fund 100 the sum of \$414,784 from Non-Departmental Expenditure (Dept. 601, Data Processing) to the Unallocated Reserve (605).

CITY MANAGER SUPPORTING INFORMATION: When the FY 1989 Data Processing Corporation budget was brought before Council in October it was indicated that the Corporation's proposed budget reflected rate reductions for computer time which were approved by the Corporation's Board of Directors after City budgets were reviewed and adopted. Those excess funds total \$414,784 in the General Fund. This action will transfer the excess data processing funds to the General Fund Unallocated Reserve. Potential allocations from the Unallocated Reserve include: Transfer to Building Inspection Enterprise Fund for expenditures made on behalf of the Sign Code Program \$335,000. Transfer to the City Attorney for retaining counsel for legal services \$55,700.

This action only transfers the excess funds to the Unallocated Reserve. Proposals for expenditure of the funds will be brought

as separate actions.
Aud. Cert. 8900808.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E180-398.)

Motion by McColl to adopt, earmarking the funds for the Police Department. Second by Wolfsheimer. Failed: Yeas: 1,3,6,7. Nays: 2,4. Not present: 5,8,M.

MOTION BY ROBERTS TO ACCEPT THE CITY MANAGER'S RECOMMENDATION TO

TRANSFER THE FUNDS TO THE UNALLOCATED RESERVE AND TO DIRECT STAFF NOT TO BRING FORWARD ANY EXPENDITURE OF IT UNTIL REVIEWED BY COUNCIL DURING BUDGET HEARINGS. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-not present, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-not present.

ITEM-S407:

(Continued from the meetings of September 20, 1988, Item 339 and October 11, 1988, Item 340; trailed as unfinished business from the meeting of April 11, 1989, Item 331, due to lack of 5 affirmative votes.)

Matters relating to the Pacific Beach Hotel project:

1. Request to subdivide a 1.944-acre site into two lots for commercial development, located on the west side of Strandway between Reed Avenue and Pacific Beach Drive. The proposal would provide for a 174-room hotel, a 6,000-square-foot nightclub/restaurant, two pedestrian-oriented commercial buildings totaling 700 square feet and a two-lot subdivision and associated street action. The subject property is further described as portions of Block 294, Pacific Beach Map-791, and portions of Pueblo Lot No. 1793 of the Pueblo Lands of San Diego, in Zone C of the Pacific Beach Community Plan area.
2. A proposal to vacate Oliver Avenue and portions of Oliver Court, Oliver Place, Reed Avenue, and Strandway, as provided for under Section 66499.20-1/2 of the State Map Act, in conjunction with the proposed tentative map for Pacific Beach Hotel (TM-87-0894).
(PRD & TM-87-0894. District-6.)

19890417

Subitem-A: (R-89-238) FILED AS A RESULT OF THE MAP BEING
DENIED

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration EMND-87-0894 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-89-235) DENIED

Adoption of a Resolution authorizing the vacation of Oliver Avenue and portions of Oliver Court, Oliver Place, Reed Avenue, and Strandway as provided for under Section 66499.20-1/2 of the State Map Act.

Subitem-C: (R-89-2360) ADOPTED AS RESOLUTION R-273266
DENYING THE MAP

Adoption of a Resolution granting or denying the map, with appropriate findings to support Council action.

CITY MANAGER SUPPORTING INFORMATION: The proposed vacation action is in conjunction with the tentative map for Pacific Beach Hotel (TM-87-0894), which proposes a two-lot subdivision totaling 1.94 acres. The rights-of-way to be vacated are entirely within the tentative map boundaries and will accommodate and facilitate redevelopment of the project site under a Planned Commercial Development Permit (PCD-87-0894). The Subdivision Board recommended approval of the Tentative Map on June 20, 1988.

The proposed vacation and subdivision area are located in the Pacific Beach Community Plan area and situated within a Commercial Zone. The area-of-vacation totals approximately 25,150 square feet and is to be incorporated with the adjacent properties to create the 1.94-acre development site. Under the PCD, a 174-room hotel is being proposed with a restaurant, night-club and other retail uses. The proposed development is consistent with the General Plan, which designates the development site for visitor/commercial use.

The rights-of-way proposed for vacation are mostly paved and contain public and franchise facilities with the exception of Oliver Avenue west of Oliver Court, which is unimproved. The improved rights-of-way provide local traffic circulation between Reed Avenue and Pacific Beach Drive and access to adjacent parcels within the development. However, upon the approval of the final map, the rights-of-way will no longer be required for access. Local circulation will likewise not be affected since

Strandway is to be extended, widened, and improved to alley standards, which will function adequately in place of the vacated rights-of-way.

Staff review has indicated that the rights-of-way to be vacated will no longer be needed for present or prospective public use and may be vacated under the provision of the Map Act, subject to the recordation of Pacific Beach Hotel (TM-87-0894).

FILE LOCATION: SUBITEM A&C: SUBD - PACIFIC BEACH HOTEL;
SUBITEM B: STRT J-2692, DEED F-4611
DEED FY89-1

COUNCIL ACTION: (Tape location: A096-103; A135-160;
A207-253.)

Hearing began at 2:20 p.m. and halted at 2:23 p.m.

Mayor O'Connor closed the hearing.

MOTION BY HENDERSON TO DENY THE REQUEST FOR ITEM S407 A, B, AND C. Second by Struiksma. Passed by the following vote:
Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,
Struiksma-yea, Henderson-yea, McCarty-yea, Filner-ineligible,
Mayor O'Connor-ineligible.

ITEM-S408: (R-89-1645 Rev.) ADOPTED AS RESOLUTION R-273267

Authorizing the execution of an agreement for sale, development and Use of Real property (agreement) for Lot 6, Eastgate Technology Park, for the appraised value of \$4,636,000; authorizing the Mayor and City Clerk to execute a deed conveying 7.34 net acres to Westerra Pacific, Ltd.; retaining the proceeds of the sale in the amount of \$1,710,684 in an escrow and authorizing it to be expended for reacquisition of that portion of Lot 6; authorizing the Mayor and City Clerk to execute a standard form quitclaim deed reconveying Parcel B to Westerra Pacific, Ltd. in the event Westerra exercises its option to reacquire Parcel B in accordance with the terms of the agreement; declaring that the costs of the sale and the repurchase of Lot B are authorized to be paid from the proceeds of the sale and that no broker's commission shall be paid in connection with this transaction.

(See Memorandum from Deputy City Manager Maureen Stapleton dated 4/12/89 and City Manager Report CMR-89-78.

University Community Area. District-1.)

COMMITTEE ACTION: Reviewed by PFR on 4/12/89. Recommendation to authorize the sale based on terms outlined in Report CMR-89-78 and modified in Deputy City Manager Maureen Stapleton's memo of April 12, 1989, which identifies changes

made to the earlier agreement as a result of comments made at the Council meeting of March 6, 1989. Districts 1, 5, 7 and 8 voted yea. District 6 not present.

FILE LOCATION: DEED F-4910 DEED FY89-1

COUNCIL ACTION: (Tape location: D410-E153.)

MOTION BY STRUIKSMA TO ADOPT AND TO DIRECT THE CITY MANAGER TO COME BACK TO COUNCIL IN FOUR WEEKS WITH OPTIONS OF A SITE FOR A CHILD CARE CENTER AS REQUESTED BY COUNCIL MEMBER WOLFSHEIMER.

Second by Henderson. Passed by the following vote:

Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea,
Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor
O'Connor-yea.

ITEM-S409: (R-89-2030) ADOPTED AS RESOLUTION R-273268

(Continued from the meeting of April 10, 1989, Item 204, at Council Member Henderson's request, to allow the nominee to meet with some of the Council Members to discuss his qualifications.)

Council confirmation of the following appointment by the Mayor to serve as a member of the Planning Commission, for a term to expire January 28, 1993:

Edward Reynolds (To replace Al Kercheval,
whose term has expired.)

(See the memorandum from Mayor O'Connor dated 3/28/89 with resume attached.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A037-039.)

MOTION BY McCARTY TO ADOPT. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-not present, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S410: (R-89-2003) ADOPTED AS RESOLUTION R-273269

Council confirmation of the following reappointments by the Mayor to serve as members of the Historical Site Board for terms ending March 1, 1991, as follows:

(See the memorandum from Mayor O'Connor dated 4/10/89.)

Dorothy L. Hom
Gail Garbini
Susan M. Hector
Vonn Marie May

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A176-206.)

MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S411: (O-89-202) INTRODUCED, TO BE ADOPTED ON MAY 1, 1989

Introduction of an Ordinance amending Chapter IX, Article 5, Division 1, of the San Diego Municipal Code, by amending Section 95.0126, relating to Graffiti and adding Section 95.0127, relating to Graffiti abatement on private property.

(See City Manager Report CMR-89-177.)

COMMITTEE ACTION: Reviewed by PSS on 3/15/89.

Recommendation to approve the draft ordinance, deleting reference to reimbursement by property owners. The Committee also requested the City Manager to address comments by Mr. Fox and Mr. Erwin when the matter is heard by Council, and to insure that City property be Graffiti - free by the Summer of 1989. Districts 2, 3, 6 and 7 voted yea. District 4 not present.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: E405-670.)

MOTION BY McCOLL TO INTRODUCE. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmma-not present, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-S412: (R-89-2036) ADOPTED AS RESOLUTION R-273270

Declaring that a Special Night Meeting of the City Council is scheduled on Tuesday, April 25, 1989, at 7:00 p.m., at City Hall, for the purpose of deliberating a Resolution requesting increased law enforcement and expanded treatment and prevention programs to deal with the illegal drug problem in San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A176-206.)

MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksmma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

ITEM-S413: (R-89-2007) ADOPTED AS RESOLUTION R-273271

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$50,000 from Capital Outlay Fund 302453, CIP-39-004.0 - Right-of-Way Parcels, Open Space and Other Public Purposes, to Capital Outlay Fund 302453, CIP-37-421.0 - Sears Site Acquisition; authorizing the expenditure of an amount not to exceed \$100,000 from Capital Outlay Fund CIP-37-421.0 - Sears Site Acquisition, to reimburse the purchaser of the Sears site, Oliver McMillan/Odmark Partnership, for hazardous waste removal. (See City Manager Report CMR-89-179. Uptown Community Area. District-2.)
Aud. Cert. 8900877.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A176-206.)

MOTION BY McCOLL TO ADOPT. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, McColl-yea, Pratt-yea, Struiksma-yea, Henderson-yea, McCarty-yea, Filner-yea, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

ITEM-CC-1:

Comments by Council Members Pratt, Roberts, and Wolfsheimer relative to Item S409 of April 17, 1989, and commending Mr. Al Kercheval.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: D015-057.)

PUBLIC COMMENT:

ITEM-PC-1:

Comments by John Kern apologizing for the newspaper article of April 17, 1989.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: E650-F039.)

ITEM-PC-2:

Comments by William Claycomb regarding contribution of \$50,000 to the Second Harbor Entrance Project.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: F040-090.)

ADJOURNMENT:

The meeting was adjourned by Deputy Mayor McCarty at
5:38 p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: F091-092).